

Filed
2-14-07
Electronically

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Counsel for the Official Committee of Equity Security

Holders of USA Capital First Trust Deed Fund, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY
Debtor

) BK-S-06-10725-LBR
) Chapter 11
)

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor

) BK-S-06-10726-LBR
) Chapter 11
)

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
Debtor

) BK-S-06-10727-LBR
) Chapter 11
)

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

) BK-S-06-10728-LBR
) Chapter 11
)

In re:
USA SECURITIES, LLC,
Debtor.

) BK-S-06-10729-LBR
) Chapter 11
)

Affects

- ☐ All Debtors
☐ USA Commercial Mortgage Co.
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed
☒ USA Capital First Trust Deed Fund, LLC

)
)
) Date: N/A
) Time: N/A
)
)
)

**NOTICE OF ENTRY OF STIPULATION AND ORDER FOR WITHDRAWAL WITH
PREJUDICE OF CLAIM NO. 48 FILED BY WILLIAM MCPHERSON AND DAVID
MCPHERSON SR. TRUSTEES THE WILLIAM AND RUBY MCPHERSON TRUST
DTD 5/5/93 (AFFECTS USA CAPITAL FIRST TRUST DEED FUND LLC)**

1 PLEASE TAKE NOTICE that a Stipulation and Order for Withdrawal with Prejudice of
2 Claim No. 48 Filed by William McPherson and David McPherson Sr. Trustees the William and
3 Ruby McPherson Trust DTD 5/5/93 (Affects USA Capital First Trust Deed Fund, LLC) was
4 entered on February 14, 2007, a true and correct copy of which is attached hereto.
5

6 DATED this 14th day of February, 2007.

7 SHEA & CARLYON, LTD.

8 

9 CANDACE C. CARLYON, ESQ.

10 Nevada Bar No. 0002666

11 SHLOMO S. SHERMAN, ESQ.

12 Nevada Bar No. 009688

13 233 S. Fourth Street, Suite 200

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16 STUTMAN, TREISTER & GLATT, P.C.

17 FRANK A. MEROLA, ESQ.

18 EVE. H. KARASIK, ESQ.

19 ANDREW M. PARLEN, ESQ.

20 1901 Avenue of the Stars, 12th Floor

21 Los Angeles, CA 90067
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Entered on Docket
February 14, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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*Counsel for the Official Committee of Equity Security Holders of
USA Capital First Trust Deed Fund, LLC*

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Debtor.

) BK-S-06-10729-LBR
) Chapter 11
)

Affects

- ☐ All Debtors
☐ USA Commercial Mortgage Co.
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed
☒ USA First Trust Deed Fund, LLC

) DATE: N/A
) TIME: N/A
)

SHEA & CARLYON, LTD.
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Las Vegas, Nevada 89101
(702) 471-7432

408976v1

**STIPULATION AND ORDER FOR WITHDRAWAL WITH PREJUDICE OF CLAIM
NO. 48 FILED BY WILLIAM MCPHERSON AND DAVID MCPHERSON SR.
TRUSTEES THE WILLIAM AND RUBY MCPHERSON TRUST DTD 5/5/93
(AFFECTS USA CAPITAL FIRST TRUST DEED FUND LLC)**

The Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee") appointed in the above-captioned bankruptcy cases (the "Chapter 11 Cases"), hereby stipulates with "William McPherson and David McPherson Sr. Trustees the William and Ruby McPherson Trust DTD 5/5/93," and "William McPherson and David McPherson" (collectively "Claimants") as follows (the "Stipulation"):

1. On or about September 22, 2006, claimant "William McPherson and David McPherson Sr. Trustees The William and Ruby McPherson Trust DTD 5/5/93" filed claim number 48 (Claim #48), asserting an unsecured claim in the amount of \$10,000.00 against USA Capital First Trust Deed Fund, LLC ("FTDF"). The supporting documentation for Claim #48 references FTDF account number 2549, and includes an "Account Transaction Summary" reflecting an account value of \$10,000.00 as of March 1, 2006.

2. On or about September 22, 2006, claimant "William McPherson and David McPherson" filed claim number 100 ("Claim #100"). Claim #100 is a duplicate of Claim #48 in every respect, asserting the identical amount of \$10,000.00 against FTDF, referencing the identical FTDF account number 2549, and including an identical Account Transaction Summary as of March 1, 2006.

3. Claimants have acknowledged that Claim #48 is a duplicate of Claim #100 and have therefore agreed to withdraw Claim #48.

WHEREFORE, based upon the above Stipulation, the parties hereby agree, and request that the Court approve the Stipulation as an order of the Court pursuant to Fed. R. of

1 Bankr. P. 3006 as follows:

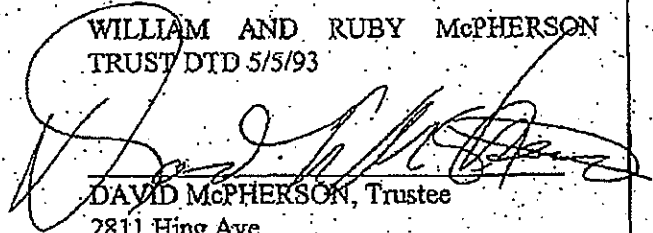
2 A. Claim #48 filed by "William McPherson and David McPherson Sr. Trustees The
3 William and Ruby McPherson Trust DTD 5/5/93" against FTDF is hereby withdrawn with
4 prejudice.

5 B. Nothing herein shall affect Claim #100 filed by claimant "William McPherson
6 and David McPherson" against FTDF or any other claim filed by any of the Claimants in any
7 other bankruptcy case.


8 C. This Stipulation is without prejudice to the rights of the FTDF Committee or
9 any other party in interest to file a timely objection(s) to Claim #100 filed by "William
10 McPherson and David McPherson" at a later date.

11 DATED this 9 day of February, 2007.

12
13
14 WILLIAM AND RUBY McPHERSON
15 TRUST DTD 5/5/93

16
17 
18 DAVID McPHERSON, Trustee
19 2811 Hing Ave.
20 Sacramento, CA 95822-4571

21 SHEA & CARLYON, LTD.

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23 JAMES PATRICK SHEA
24 CANDACE C. CARLYON
25 SHLOMO S. SHERMAN
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Counsel for the Official Committee of Equity
Security Holders of USA Capital First Trust
Deed Fund, LLC